

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14474 of 2018

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Ramdeo Singh Yadav, Son of Late Gobind Pd. Yadav, Resident of Khoja Bazar, Kasim, Munger at Preset Plot No. L-83, Road No. 21, Mohalla Shrikrishna Nagar, P.O.-Kidwaipuri, P.S. Budha Colony, Patna, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar State Housing Board through its Managing Director having office at 6, Sardar Patel Marg, Patna, P.S. Sachiwalaya, District- Patna
2. The Executive Engineer, Bihar State Housing Board, Division-111, Sri Krishna Nagar, P.S.-Budha Colony, P.O. Kidwaipuri, District- Patna having office at Bhutnath Lane, Kankarbagh Colony, District Patna
3. Maheshwar Ojha, Son of Late Baidhyanath Ojha, Resident of Village-Karja, P.S. Umaraonganj, P.O. Bihiya, District-Bhojpur, at Present residing at Buxar Shaket Bhawan, Civil Line, Near Durga Talkies, District-Buxar.
4. Bhuneshwar Ojha Son of Late Baidhyanath Ojha, Resident of Village-Karja, P.S. Umaraonganj, P.O. Bihiya, District-Bhojpur.
(died on 29.6.2014)
- 4(i) Rishikesh Ojha, son of Late Bhuneshwar Ojha, resident of village Kajra, P.S. Umraon Ganj, P.O. Bihia, District- Bhojpur. (added on substitution).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Kishore Verma, Advocate
For the Housing Board	:	Mr. Anshuman Singh, Advocate
For the private resp.	:	Mr. R.S.Dwivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-05-2019

I. A. No. 7248 of 2018:

The interlocutory application has been filed for expunging the name of Bhuneshwar Ojha, respondent No. 4, who is stated to have died on 29.6.2014 and substituting the name of his son Rishikesh Ojha in his place.

2. For the reasons stated in the interlocutory application, prayer for substitution is allowed. Let the name of respondent No. 4 Bhuneshwar Ojha be expunged from the array of parties and in



his place his son Rishikesh Ojha be substituted as respondent No. 4(i).

3. I. A. No. 7248 of 2018 is, accordingly, stands allowed and disposed of.

4. Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Housing Board as well as the private respondents on merits of the case. This writ petition was heard on different dates and finally the hearing concluded yesterday but due to paucity of time the order could not be dictated. Today the case has been posted under the heading "For Orders".

5. The brief fact, relevant for deciding the present writ petition reads as under:

The petitioner, who is an Ex-MLA, had applied for allotment of a plot of the Housing Board and on 6.7.1991 he was allotted a plot at Bahadurpur, Patna. Later on he requested the Housing Board to change the plot and for allotment of a plot at Shri Krishna Nagar, Patna. The Housing Board acceding to the request, allotted Plot No. L-83 situated at Road No. 21, Sri Krishna Nagar, Patna. Earlier the said plot No. L-83 was allotted to one Parwati Devi, mother of respondent Nos. 3 and 4 (now dead) of this case and agreement was executed on 7.11.1970 and possession was also delivered on 11.1.1971 and thereafter she made certain



construction over the land allotted to her. The Housing Board after publication of notice in the newspaper cancelled the allotment of 20 allottees including the allotment of said Parwati Devi of plot no. L-83 and the writ petitioner was allotted the said plot on 20.8.1991 and physical possession of the said Plot No. L-83 was handed over to the petitioner.

After the death of the original allottee, her heirs i.e. respondent Nos. 3 and 4 filed CWJC No. 225 of 1992 against the action of cancellation of allotment of plot No. L-83 of the Housing Board. The Division Bench heard the writ petition and granted interim stay in the nature of restraining the present petitioner, who was respondent No. 9, not to make any construction vide order dated 22.1.1992. Finally, the writ petition was allowed on 9.3.1994 and the Division Bench set aside the allotment order of the petitioner and directed the Housing Board to dispossess the present petitioner and if any difficulty arises take the help of police. After the order of the Writ Court, the present petitioner, who was respondent no. 9 in that writ petition, filed Civil Review No. 109 of 1994 stating therein that he was party respondent No. 9 but he was not heard in the matter. The Division Bench after hearing the parties dismissed the review application vide order dated 21.07.2000. Thereafter the present petitioner approached the Apex Court by filing SLP No.



18484 of 2000 which was dismissed on 24.11.2000. After the aforesaid development the present petitioner claimed to have paid the loan amount of Rs. 2 lacs on 27.7.2004. The petitioner claims that after approximately 12 years the Housing Board gave a notice for vacating the plot on 2.4.2012. Thereafter the present petitioner filed MJC No. 6317 of 2012 for initiating contempt proceeding against the Housing Board but the Court declined to proceed in the matter and the application for initiating contempt proceeding was dismissed as time barred. Section 20 of the Contempt of Court Act prescribes time limit of one year. On 13.5.2014 the petitioner was given notice to vacate the premises/ plot no. L-83 against which the present petitioner filed CWJC No. 9352 of 2014 but subsequently when the Court declined to grant any relief, he withdrew the writ petition vide order dated 24.10.2016 and thereafter he filed Title Suit No. 360 of 2015 for declaration of his title over Plot No. L-83 along with an injunction petition under Order 39 Rules 1 and 2 CPC to restrain the defendants from carrying out the demolition of the building raised on Plot No. L-83. The prayer of the petitioner for interim injunction was refused vide order dated 24.11.2016 in the Title Suit. Thereafter, against the order of refusal of interim injunction, the petitioner filed M.A. No. 150 of 2017. In the M.A. the petitioner filed I.A. No. 3225 of



2018 for stay of vacation of the plot. The Court rejected the prayer for interim protection to the petitioner by order dated 25.4.2018. The Title Suit No. 360/2015 and the M.A. No. 150 of 2017 are still pending. The petitioner being aggrieved by the order rejecting the interim application, approached the Apex Court in SLP (C) No. 12866 of 2018. The said SLP was dismissed on 21.5.2018. The petitioner also approached the competent authority invoking the jurisdiction under Section 59 (v) of the Housing Board Act. The competent authority considering all the materials available on the record held out that the application is not maintainable. On 10.7.2018 the petitioner was issued notice to vacate the premises failing which the premises shall be vacated with the help of police. Thereafter the petitioner filed this writ petition on 24.7.2018.

6. Mr. Jitendra Kishore Verma, learned counsel for the petitioner submits that though the judgment of the Division Bench is binding between the parties but the judgment has to be read in a manner it is in consonance with the law of the land. He submits that the Division Bench judgment particularly para-12 says that while allowing the writ petition, Annexure-3 which was allotment in favour of the petitioner, was quashed. The Division Bench directed the Housing Board to take immediate steps for dispossession of respondent No. 9 i.e writ petitioner of the



present writ petition. Shri Verma submits that dispossession is not in accordance with law. He referred to the judgments of the Patna High Court to contend that for dispossession course available is to file suit for appropriate relief by the Housing Board which was not done in the matter. He relied upon the judgment in the case of **Professor (Dr.) Ranjeet Kumar Mishra Vs. The State of Bihar and Ors.: 2013 (3) PLJR 257**, paras 4 and 5 of which are quoted below for ready reference:

“4. Counsel for the petitioner in rejoinder submitted that the Board having executed the Hire Purchase Agreement which was registered on 16.8.1991, the same could not have been cancelled on the ground that the allotment itself was illegal and contrary to Rules. In case, the Government and the Board were of the opinion that the settlement, registered agreement was itself contrary to the Rules of the Board it was for the Government and the Board to have sought necessary declaration from the competent civil court.

5. I see substance in the submission made on behalf of the petitioner. Having executed Hire Purchase Agreement which was registered on 16.8.1991 the same could have been annulled by the Government or the Board only on the ground of violation of Clause 23 of the agreement. From perusal of communication contained in letter no. 8814 dated 26.9.2011, Annexure-13 and letter no. 1219 dated 19.8.1994 it



does not appear that Smt. Renuka Devi ever violated terms of Clause 23 of the Hire Purchase Agreement registered in her favour, in the circumstances, the same could not have been cancelled by the Government or the Board. For the reasons indicated above, I have no option but to cancel the letter dated 19.8.1994 to the extent it concerns Smt. Renuka Devi as also communication dated 26.9.2011, Annexure-13 with observation that until Hire Purchase Agreement dated 16.8.1991 is annulled by the competent court of civil jurisdiction the Board authorities should not intermeddle with the possession of the petitioner over the plot in question. It goes without saying that findings recorded in this order is on the basis of the admitted position that petitioner is not alleged to have violated any of the terms of the Hire Purchase Agreement dated 16.8.1991, Annexure-7.”

He also relied upon the judgment in the case of **Smt. Chanda Devi Vs. State & Ors.: 1999 (2) PLJR 888**, paras 14 and 15 of which is quoted below:

“14. In this regard it may be noted that in the counter affidavit filed on behalf of the Board it is stated (in paragraph 9) that the allotment in question was cancelled by the Managing Director and the same was communicated by the Manager, Estate cum Additional Secretary of the Board vide letter No. 1167 dated 2.6.1986 (i.e. the impugned order). This



statement, however, cannot be accepted. In the first place the order said to have been passed by the Managing Director is not brought on the record. Secondly, as noted earlier there is no suggestion or hint in the letter dated 3.6.1986 (Annexure-6) that the order of cancellation of allotment was passed by some other superior officer and the Manager Estate was only communicating that order to the petitioner through his letter. It must, therefore, be held that the order of cancellation of allotment was passed by the Manager Estate himself. He was not competent to pass such an order. Further, the order was passed without holding any proceeding under section 59 of the Housing Board Act. The order of cancellation of allotment as contained in the impugned letter dated 3.6.1986 (Annexure-6) is therefore plainly unsustainable in the eyes of law. It is accordingly set aside.

15. It is, however, made clear that this judgment, setting aside the order passed by the Manager Estate will not come in the way of the Board in proceeding against the petitioner in accordance with law. It will be open to the Board either to institute a suit in order to avoid the lease deed executed in favour of the petitioner or to initiate a proceeding under section 59 of the Housing Board Act. In case a suit is instituted or a proceeding under section



59 is initiated the Board may also pray for suitable interim relief/take interim measures against the petitioner.

He further relies upon the judgment in the case of **The Gait Public Library and Institute, Gardanibagh, Patna through its President Vs. The State of Bihar & ors.: 1995 (1) PLJR 585**, para-5 of which is quoted below:

“ 5. In early thirties, a part of the land was acquired by the State Government for construction of the Water Tower on Road No. 13, in Gardanibagh and also for the Gardanibagh Thakurbari and only about 3 acres of land remained in possession of the library and the institute. In 1934 the building was damaged due to earthquake and papers were lost. In 1975 as well, due to flood in Patna Town the papers concerning the library and the books were damaged and lost. Due to the aforesaid reasons the documents including the deed of land executed in 1920 was not traceable, however, a deed lease executed in 1939 (Annexure-13) was made available after grate efforts, from perusal of which it transpires that on 10th November, 1925 a lease for ten years was executed in favour of the Institute. It further appears that after expiry of the aforesaid period the petitioner with the consent of the lessor State Government remained in possession of the land and building and a fresh lease was executed in the year 1939 for a period of ten



years commencing from February, 1935. After expiry of the aforesaid period of lease the petitioner continued in possession and the Government from time to time granted aid and also appointed its nominees in the Managing Committee of the library.

7. In the case of The Gait Public Library and Institute the fact situation was entirely different; that was the case of resumption of land by the order passed by the Collector, Patna, where the Court passed the order. In the instant case the judgment of the Division Bench inter parte is binding and the judgment of the Division Bench cannot be reopened in the present proceeding with reference to the judgment in the Gait Public Library and Institute case. Therefore, the Court is of the considered view that the judgment relief upon by the counsel for the petitioner is inapplicable.

8. Mr. Verma submitted that the Division Bench while deciding the writ petition has not cancelled the registered deed of agreement in favour of the petitioner. He also submitted that in between the judgment of the Division Bench and the action of the respondents more than 12 years have passed, and, therefore, the right of adverse possession has accrued to the petitioner. He also referred to the judgment of the Supreme Court in the case of **Dindayal and another Vs. Rajaram: AIR 1970 SC 1019**. He



submitted that right of adverse possession has accrued in favour of the petitioner and parallel right in favour of the petitioner was created by virtue of Section 27 of the Act. The submission as to adverse possession is thoroughly misconceived. Uninterrupted peaceful possession is a *sine qua non*. This is absolutely lacking in the instant case and, as such, the right of adverse possession is not applicable in the case of the petitioner.

9. Mr. Verma next submitted that once the application for contempt was held to be not maintainable, the action of the respondents in directing forcible eviction is contrary to law and it is illegal.

10. Per contra, learned counsel appearing on behalf of respondents submitted that the writ petitioner does not deserve any indulgence in the present writ application, firstly, he submitted that the petitioner has not approached this Court by disclosure of all relevant documents. Argument was advanced that the petitioner had given an undertaking before the authorities to voluntarily vacate the premises and hand over vacant possession but this fact was not brought to the notice of this Court while filing this writ petition. Secondly, counsel for the respondents submitted that the writ petition is not maintainable in view of the fact that Title Suit No. 360 of 2015 and M.A. No. 150 of 2017 are still pending where



similar issue is pending consideration and, therefore, the writ petition is not maintainable as simultaneously the petitioner cannot be allowed to explore the remedy at different level.

11. Learned counsel for the respondents submitted that the present writ application is barred by res judicata/constructive res judicata. Firstly, it is submitted that petitioner was party in C.W.J.C. No. 225 of 1992 and the judgment of the Division Bench has attained finality and as such the present writ application at the instance of the petitioner is not maintainable. Secondly, it was submitted that C.W.J.C. No. 9352 of 2014 was dismissed as withdrawn and the Court has not granted any indulgence, therefore, the writ petition is not maintainable. So far as the first part is concerned the petitioner and the Housing Board were party in C.W.J.C. NO. 225 of 1992 and the petitioner has not chosen to contest the writ petition, in view of the fact that the review petition, which was subsequently filed, was dismissed holding that the allegation that the petitioner that he was not heard is not sustainable. Therefore, this Court has to accept the proposition that the petitioner has not chosen to contest C.W.J.C. No. 225 of 1992.

12. Mr. Verma, learned counsel for the petitioner, in response to the submission of learned counsel for the respondents, submitted that constructive res judicata would not operate against



this petitioner as he was defendant and in the matter of possession between the petitioner and the defendant constructive res judicata will not operate as the petitioner has filed the present writ application for a relief to provide the earlier plot allotted by the Housing Board as the petitioner cannot be made to suffer on account of the action and omission of the Housing Board which was subject matter of C.W.J.C. No. 225 of 1992. So far as the issue as to finality of the judgment and the effect of co-defendant res judicata is concerned, it is no more res integra. In the case of **Daryao And Others vs The State Of U. P. And Others: AIR 1961 SC 1457**, in para 11 the Apex Court has discussed the effect of finality of the decision inter parte. Since, the judgment in C.W.J.C. No. 225 of 1992 is inter parte it is a final judgment. Para 11 of the said judgment is quoted hereinbelow:

“.....If a judgment has been pronounced by a Court of competent jurisdiction it is binding between the parties unless it is reversed or modified by appeal, revision or other procedure prescribed by law. Therefore, if a judgment has been pronounced by the High Court in a writ petition filed by a party rejecting his prayer for the issue of an appropriate writ on the ground either that he had no fundamental right as pleaded by him or there has been no contravention of the right



provided or the contravention is justified by the constitution itself, it must remain binding between the parties unless it is attacked by adopting the procedure prescribed by the Constitution itself. The binding character of judgments pronounced by courts of competent jurisdiction is itself an essential part of the rule of law, and the rule of law obviously is the basis of the administration of justice on which the Constitution lays so much emphasis.....”

13. So far as the issue of res judicata to a defendant is concerned, it is also well settled proposition that in case of res judicata qua co-defendant if the dispute of the plaintiff and defendant cannot be decided without deciding the inter se dispute between the co-defendant or where the co-defendant inter se is also determined while deciding the lis and in that situation the principles of res judicata apply as bar. In the instant case the Housing Board as well as interest of this petitioner was also involved, the action of the Housing Board at the same time the allotment in favour of the petitioner who was respondent no.9, was the subject matter of the adjudication of C.W.J.C. No. 225 of 1992 and in that case the Court has already decided the lis which was not upset by this Court or in the SLP and as such constructive res judicata is operative in this case.



14. Learned counsel appearing on behalf of the respondents submitted that principles of adverse possession is not attracted as in the instant case Section 27 of the Act does not apply in a case it appears from the pleading of the petitioner itself that the action of the Housing Board was challenged and it was done after 12 years ii factually incorrect, under the agreement it does not become complete unless the entire obligation is completed. From the pleading of the petitioner itself, it is apparent that final payment was made in the year 2004 and the 12 years period would be reckoned only after payment of entire amount and that is only against the Housing Board. More over this plea of adverse possession in teeth of judgment of the Division Bench in CWJC No. 225 of 1992 is totally misconceived and unsustainable. In any view of the matter, it does not operate against the respondents, who were petitioners in C.W.J.C. No. 225 of 1992. The adverse possession or extinction of existing right and creation of parallel right in terms of Section 27 of the Limitation Act would not apply in the instant case for the reason that it is in teeth of the order of the High Court and as such no person can claim parallel right as the judgment of the Division Bench estopped the party to claim adverse possession and as such after the judgment no person can claim continuous physical possession and creation of parallel right.



15. Considering the rival submissions, the Court is of the considered view that the submission of learned counsel for the petitioner is totally misconceived as no parallel right is created in favour of the petitioner. With regard to the issue whether the writ petition is maintainable here even after the earlier writ petition was withdrawn without obtaining any leave of the Court. The Court is of the considered view that the judgment of Supreme Court in the case of **Sarguja Transport Service Vs. State Transport Appellate Tribunal, M.P. Gwalior and others: AIR 1987 SC 88 = (1987) 1 SCC 5** is settler on the point and as such this writ petition after withdrawal of earlier writ petition CWJC No. 9352 of 2014 is not maintainable in view of the above judgment of the Apex Court.

16. The judgment cited by Mr. Verma in support of his claim that the petitioner cannot be dispossessed without following the procedure, firstly, the judgment inter parte is binding and this Court is not in a position to inter parte the judgment rendered by the Division Bench which has attained finality with regard to the dispute between the parties. The judgments cited at the bar are the judgments of learned Single Judges and in view of the fact that the writ petition, C.W.J.C. No. 225 of 1992 was decided by Division



Bench, the Court does not find that the authority cited on behalf of the petitioner will override and may be a ground to find fault with the Division Bench judgment. Firstly, the learned Single Judge has no jurisdiction to reopen the matter which has attained finality. Secondly, when the petitioner after withdrawal of C.W.J.C. No. 9352 of 2014 has chosen to file suit for declaration in that situation the Court is of the considered view that the present writ petition, so far as the dispossession part is concerned, is not maintainable and petitioner cannot be allowed to explore remedy at more than one forum. Title Suit No. 360 of 2015 and M.A. No. 150 of 2017 are still pending before a Bench of this Court in that situation filing the present writ petition appears to be misuse of the process of law.

17. Counsel for the respondents has relied upon the judgment of the Apex Court in the case of Udyami Evam Khadi Gramodyog Welfare Sanstha and anr. Vs. State of U.P. and Ors.: (2008)1 SCC 560 where the Supreme Court has held out that filing fresh writ petition after withdrawal of the earlier writ petition without leave is an abuse of the process of the Court and where the party has approached the Court with uncleaned hand that will amount to contempt. Similar was the proposition discussed in the Apex Court in the case of **Advocate General, State of Bihar Vs.**



State of M/s. Madhya Pradesh Khair Industries and another:
(1980) 3 SCC 311 where the Court held out that the abuse of the process of the Court will hamper the judicial proceeding and such act amounts to misconduct. The full Bench of the High Court has occasion to decide the effect of unconditional withdrawal of the earlier writ petition in C.W.J.C. No. 421 of 1988. The Full Bench held out that unconditional withdrawal of the earlier writ petition would bar second writ petition on the same cause of action not in terms of Order XXIII Rule 1 C.P.C. but in terms of public policy of not permitting the litigants to come to the Court time and again on the basis of same cause of action.

18. On the principles of res judicata the Full Bench of Patna High Court in AIR 1964 Patna 174 has settled the principle to be followed and the same is also relevant for this case. The relevant part of the judgment is quoted below:

“The doctrine of res judicata finds a place in Section 11 of the Code of Civil Procedure of 1908, but it has been held by this Board on many occasions that the statement of it there is not exhaustive; the latest recognition of this is to be found in Kalipada De v. Dwijapada Das, LR 57 Ind App 24 : (AIR 1930 PC 22). For the general principles upon which the doctrine should be applied, it is legitimate to refer to decisions in this country: (Their Lordships then



refer to certain cases). That there may be res judicata as between co-defendants has been recognized by the English Courts and by a long course of Indian decisions. The conditions under which this branch of the doctrine should be applied are thus stated by Wigram V.C. in *Cottingham v. Earl of Shrewbury*, (1843)3 Hare 627 at p. 638; 'If a plaintiff cannot get at his right without trying and deciding a case between co-defendants, the Court will try and decide that case, and the co-defendants will be bound; but if the relief given to the plaintiff does not require or involve a decision of any case between co-defendants, the co-defendants will not be bound as between each other by any proceeding which may be necessary only to the decree the plaintiff obtains. 'This statement of the law has been accepted and followed in many Indian cases: (Their Lordships refer to several decisions). It is, in their Lordships' opinion, in accord with the provisions of Section 11 of the Code of Civil Procedure, and they adopt it as the correct criterion in cases where it is sought to apply the rule of 'res judicata' as between co-defendants. In such a case, therefore, three conditions are requisites (1) There must be a conflict of interest between the defendants concerned; (2) it must be necessary to decide this conflict in order to give the plaintiff the



relief he claims; and (3) the question between the defendants must have been finally decided”.

19. In the backdrop of the discussions made hereinabove, the Court is of the view that the present writ petition is not maintainable. The petitioner has approached this Court after withdrawal of the earlier writ petition without obtaining leave of the Court and as such it is not maintainable in view of the judgment of the Apex Court in **Sarguja Transport Service** case. The petitioner cannot simultaneously engage different Courts and forums for same relief. As discussed hereinabove, against the notice of dispossession, the petitioner has approached the competent Civil Court in Title Suit No. 360 of 2015 and the Miscellaneous Appeal against the order refusing injunction is still pending in M.A. No. 150 of 2017. Therefore, during the pendency of the Title Suit No. 360/2015 and M.A. No. 150 of 2017, maintaining this writ petition is totally abuse of the process.

20. In the ordinary course the Court would have imposed heavy cost for filing this writ petition but for the reason that the petitioner has approached for one relief which was not adjudicated earlier, the Court refrain from imposing cost.

21. So far as the claim of the petitioner for either restoration of same plot which was allotted earlier or for allotment



of alternative plot, the petitioner may approach the Housing Board and the Housing Board may take step for allotment of the available plot in favour of the petitioner as the petitioner cannot be made to suffer after deposit of the amount though the court in the totality of the fact situation is of the view that the petitioner was responsible for this situation as his conduct shows that at the relevant time when he was MLA (Law Maker) he was law unto himself and has not obeyed order of the writ court and using his muscle power constructed building despite restrain order. It is seen that at the relevant time he was MLA and Minister and the authority of the Housing Board was dancing on tune of the petitioner, the date, events and circumstances discussed hereinabove would indicate that in the State 'Might is Right' was the rule and in the case of influential person the State and its instrumentality have acted contrary to law. The petitioner for a considerable long time has been able to establish that the rule of law is only a slogan and he is above law and the State and its instrumentality cannot compell the petitioner to act in accordance with law even after the judgment of the Division Bench in CWJC No. 225/1992, the judgment of the review Court in Civil Review No. 109/1994, the decision in SLP 18484 of 2000, the decision of the Civil Court refusing injunction in Title Suit No. 260 of 2018 and refusal of



stay by the High Court in M.A. No. 150/2017 and dismissal of SLP against granting stay vide order passed in SLP No. 12866 of 2018 and withdrawal of CWJC No. 9352/2014, yet the petitioner has constructed house and is taking a plea of adverse possession accrued in favour of the petitioner. The writ petition is devoid of any merit. It is dismissed accordingly.

22. While dismissing the writ petition the Court directs that the Housing Board may consider the desirability of allotment of alternative plot to this petitioner provided the petitioner hands over vacant possession of Plot No. L-83, Shri Krishna Nagar to the respondent Nos. 3 and 4(i) within a period of 60 days from today, otherwise the petitioner shall forfeit his right to claim alternative plot either at Bahadurpur or any other place as law will not permit those who has treated the law as a tool for convenience. For each day delay after 60 days in vacating the premises will cost a fine of Rs. 10,000/- (ten thousand only) which is payable by the petitioner to the respondent Nos. 3 and 4(i).

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2019
Transmission Date	NA

